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HUMAN RESOURCES MANAGEMENT

Ratio between career and fixed-term appointments

Report of the Secretary-General

SUMMARY

The General Assembly has requested specific proposals on the proportion of appointments that should be made on a fixed-term basis. Traditionally, such information has related solely to staff in posts subject to geographical distribution who, at present, represent only 17 per cent of the staff of the Secretariat. The request, however, raises issues that affect all staff members, including language staff, Field Service staff, and staff in the General Service and related categories. Those issues need to be considered overall in the light of the needs of the Organization, its budgetary resources and its human resources management.

The Organization adopted from its inception the concept of career service. The Secretary-General is committed to the protection of that concept, which is a key factor in ensuring the independence of the international civil service required by the Charter of the United Nations. At the same time, a number of competing considerations must be taken into account.

The "fixed-term appointment" has evolved over the years to such an extent that this type of appointment can no longer be usefully contrasted to career appointments because all staff on fixed-term appointments are potentially on a career track, as a result of General Assembly resolution 37/126 of 17 December 1982 and other factors.

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Against this background, the present report proposes three possible approaches, which could be adopted individually or in combination, for the consideration of the General Assembly:

(a) A desirable proportion of career appointments could be set, with no change to the existing types or conditions of appointments. The General Assembly may wish to establish this proportion on the basis of the number of established posts in the regular budget, so as to relate to the long-term resources of the Organization the overall number of long-term contractual commitments given to staff members. Within that limit, most staff members would be placed against regular budget posts; a smaller number would continue to be placed against extrabudgetary posts when consistent with the nature of the functions and the funding of the post in question;

(b) Resolution 37/126 could be clarified to specify that staff members will be entitled to consideration for conversion to career appointment not only when staff members have completed five years of continuing good service, as now provided, but also when the work and functions to be performed are of a continuing nature. If the General Assembly decides to set a desirable proportion as proposed in (a) above, resolution 37/126 should be further elaborated to specify that the number of career appointments should not exceed the resulting overall limit;

(c) Building on the best attributes of (a) and (b) above, a dual-track system of career and non-career appointments could be introduced, with new types of appointment better suited than the existing ones to the present and future needs of the Organization.

It is the view of the Secretary-General that, in the long term, the third approach would reinforce and refocus the concept of career service, and introduce for the future a framework that would enhance the career international civil service by making it more responsive to ongoing mandates and programme needs. This approach would allow for a more effective application of the applicable standards of performance and a better management of human resources. It would have enough flexibility to ensure that the present and future needs of the Organization and its constraints are taken into account, while protecting the legitimate rights and expectations of the staff.

The present report has been distributed to staff representative bodies throughout the Secretariat for information, pending guidance by the General Assembly and its decision on the preferred approach or approaches. Thereafter, staff representative bodies will be consulted on the implementation of the decision taken by the General Assembly, to the full extent envisaged by article 8 of the Staff Regulations and chapter VIII of the Staff Rules.

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I. INTRODUCTION

1. The present report is submitted pursuant to General Assembly resolution 49/222 A, section II, paragraph 5, of 23 December 1994, in which the Assembly requested the Secretary-General to sustain the present ratio between career and fixed-term appointments and to submit to the Assembly at its fifty-first session specific proposals on the proportion of appointments which should be made on a fixed-term basis.

2. It should be recalled at the outset that, from its inception, the Organization adopted the concept of career service for its staff members. A detailed analysis of the objectives followed by the Organization over the years on the question of career vs. non-career appointments is set out in the annex to the present report. The Secretary-General has repeatedly affirmed his commitment to a strong core international career service, which is essential to the existence of an independent international civil service responsible only to the Secretary-General in conformity with the principles of the Charter of the United Nations. Long-term service is conducive to the establishment of greater efficiency and skill levels for posts and functions entailing complex duties and responsibilities; it is essential for key personnel in policy-making, managerial, administrative, and financial areas who must gain exposure and experience over time to the various aspects of the Organization's policies and management. It is also a powerful tool in attracting and retaining well-qualified candidates and in facilitating the Organization's investment via training in career development over the years. However, as also explained in the annexed analysis, all these considerations in favour of career service must be balanced by the necessity for the Secretary-General to act in a financially responsible manner, and to allow for intake of new skills at all levels, to the extent possible by recruiting qualified men and women, particularly from unrepresented and under-represented countries in posts subject to geographical distribution. At the same time, the changing roles, functions and needs of the Organization as it responds to Member States' requirements and directions must be taken into account.

3. A literal interpretation of the General Assembly's request would have focused the present report solely on the number of staff serving on a "fixed-term appointment". However, the request also led to a review of the policy considerations relevant in deciding whether to grant to staff members "career" as opposed to "non-career" appointments, and to the adoption of a broader focus, based on the concept of "career", which cannot be defined by the type of appointment alone since, as shown below, it has become increasingly difficult to differentiate career from non-career staff on the basis of the type of appointment they hold.

4. After analysing the evolution of the distinction between "career" and "fixed-term" appointments, the report provides numerical data describing the present situation. The report then offers a number of approaches for the consideration of the General Assembly.

II. EVOLUTION OF THE DISTINCTION BETWEEN "CAREER" AND "FIXED-TERM" APPOINTMENTS

5. The distinction between "career" and "fixed-term" appointments has traditionally been used to compare the number of staff who are on a "career track", i.e., those who may be expected to serve the Organization for a substantial number of years, to those who will not remain beyond a limited number of years, after which they would leave the service of the Organization. From that point of view, the expression "career appointments" - which is not defined in the Staff Regulations and Rules - has customarily been understood to include not only permanent, but also probationary appointments leading to the granting of permanent appointments when the necessary conditions are met, as well as indefinite appointments.

6. With respect to "fixed-term appointments", the use of that type of appointment within the Secretariat has changed substantially over the years. The number of staff serving for a limited period of years can no longer be determined by the number of staff serving on a fixed-term appointment, as, for a variety of reasons, many of whom have served and continue to serve the Organization for extended periods of time. This is the case for many staff members serving on the 100 series, as well as for project personnel serving under the 200 series of the Staff Rules.[1] At present, the only category of staff who are clearly excluded from long-term service by their terms of appointment are those serving under the 300 series of the Staff Rules.

7. The Staff Regulations, promulgated by the General Assembly to embody the fundamental conditions of service of the staff, distinguish between "permanent" and "temporary" appointments.[2] Staff rules 104.12 and 104.13 implement staff regulation 4.5 by defining the terms and conditions of temporary and permanent appointments, respectively. Staff rule 104.12 lists the following as "temporary":

(a) The "probationary appointment", which is given to new staff who have an expectation of conversion to a permanent appointment. A permanent appointment will be given if the staff member demonstrates that he or she has maintained during the probation period the highest standards of efficiency, competence and integrity;

(b) The "fixed-term appointment", which is an appointment having an expiration date specified in the letter of appointment, granted for a period not exceeding five years, to persons recruited for service of prescribed duration, including persons temporarily seconded by national Governments or institutions for service with the United Nations. The rule further states that the fixed-term appointment does not carry any expectancy of renewal or of conversion to any other type of appointment;

(c) The "indefinite appointment", which is granted to Secretariat staff recruited for service in established missions, mostly in the General Service and related categories.[3] It has no specific expiration date and, unless the mandate for the mission involved expires, the staff member often remains in service until retirement.

Even though probationary and indefinite appointments are classified as "temporary" in the Staff Rules, they have traditionally been viewed as "career" appointments for the staff concerned because, as is the case for the permanent appointment, they carry an expectancy of long-term employment.

8. Several factors have contributed to the evolution of the "fixed-term appointment" from its original definition in the Staff Rules. The first was General Assembly resolution 37/126, which gave to every staff member having completed five years of good service on a fixed-term appointment under the 100 series of the Staff Rules the right to be given every reasonable consideration for a permanent appointment. The second factor was the Administrative Tribunal's interpretation of resolution 37/126, under which all staff members fulfilling the conditions of the resolution have the right to be considered for a career appointment, regardless of the nature of their functions, and regardless of the source of funding for those functions.

9. Under these conditions, the Organization has over the last 10 years progressively stopped the practice of offering probationary appointments on initial recruitment to anyone but successful candidates in the national competitive examinations. All other recruits receive a fixed-term appointment, which is renewed once or twice subject to fulfilling performance requirements and the needs of service. After five years, the staff member will normally be entitled to consideration for conversion to permanent appointment. In all those cases, the period served on a fixed-term appointment has in effect become the "probationary" period required before a permanent appointment is granted.

10. Another important factor in lessening the differences between career and fixed-term appointments as regards the duration of service is the extensive jurisprudence of the Administrative Tribunal on non-renewal of fixed-term appointments. While reaffirming that the fixed-term appointment, by its terms, does not create an expectancy of renewal, the Tribunal examines all the surrounding circumstances to determine whether an expectancy of renewal was created in the particular case - for example through a verbal or written commitment, albeit informal, made to the staff member by the programme manager that the appointment would be renewed. In addition, staff members who have served on fixed-term appointments for an extended period (usually five years or more) are recognized by the Tribunal as having the right to receive every reasonable consideration for further employment. Even though this does not amount to a legal expectancy of continued employment, which would be contrary to the specific terms of the fixed-term appointment, a finding that the Organization failed to give every reasonable consideration for further employment will result in the award of damages which may be substantial. Finally, and even in those cases where the decision not to renew was purely discretionary, the Tribunal always gives careful attention to the issue of whether the decision was affected by lack of due process, mistake of fact, prejudice or other extraneous motives. In such cases, the Tribunal would normally award damages to the staff member whose appointment was allowed to expire, on the ground that it is an implied condition of employment that all decisions, including a decision not to renew an appointment, are taken fairly and in the interests of the Organization.

11. As a result of these factors, all staff serving on a fixed-term appointment under the 100 series for five years or more are de facto on a career track, in addition to staff serving on permanent, probationary, or indefinite appointments.

12. Since fixed-term appointments granted under the 100 series of the Staff Rules may be renewed repeatedly over the years, and may lead to consideration for conversion to permanent appointment, the question must be asked as to what differences between a fixed-term and a permanent appointment effectively remain. It is not that the appointment of fixed-term staff may be terminated at will. As long as the fixed-term appointment is in effect, it can be terminated only on the very limited grounds set out in the Staff Regulations for permanent appointments, including abolition of posts and reduction of staff.[4] In such situations, fixed-term staff are entitled to a termination indemnity which, after nine years of service, will reach an amount equal to the indemnity to be paid to a permanent staff member, in accordance with annex III to the Staff Regulations.

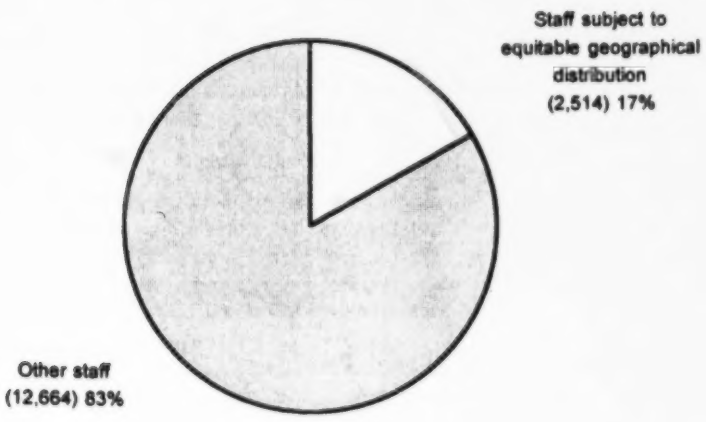
13. The obvious difference between the situation of staff members on fixed-term appointments and those on permanent appointments is that a fixed-term appointment needs to be renewed periodically while, by definition, a permanent appointment does not. In addition, staff members who are separated upon expiration of a fixed-term appointment are not entitled to a termination indemnity, whatever their length of service.[5] Another important difference is that, when the non-renewal of a fixed-term appointment is due to abolition of post or reduction of staff, the staff member may be separated by virtue of the terms of his or her contract, without the need to conduct a formal comparative review with other staff members as would be the case for staff serving on a permanent appointment.

III. DATA ON THE PRESENT SITUATION

14. The data taken into account by the General Assembly in ascertaining the optimal proportion of fixed-term appointments has traditionally been limited to Professional staff (excluding language staff) appointed for one year or more under the 100 series of the Staff Rules, whose appointment is subject to the desirable ranges determined for each country. Those staff members are commonly referred to as "staff in posts subject to geographical distribution".[6] However, those staff members are but a small fraction of the total number of United Nations staff. As of 30 June 1996, the total number of staff members in the Secretariat, including all appointments for less than one year, stood at 15,178, of which 2,514 were in posts subject to geographical distribution.[7] The following chart illustrates the relatively small proportion of staff subject to geographical distribution.

UNITED NATIONS SECRETARIAT

All staff (as of 30 June 1996)[a]



Source: Department of Administration and Management, Office of Human Resources Management.

[a] Total population: 15,178.

There is clearly a need to review the data pertaining to staff other than those subject to equitable geographical distribution if the proportion of career and non-career appointments is to be determined for all staff.

A. Staff in posts subject to geographical distribution

15. The following table and chart show the proportion of fixed-term appointments to career appointments, including permanent and probationary, for staff subject to equitable geographical distribution, over a six-year period.[8] It is noted that, as requested by the General Assembly in resolution 49/222 A, the Secretary-General has sustained the ratio between career and fixed-term appointments since 1994, with minor variations.

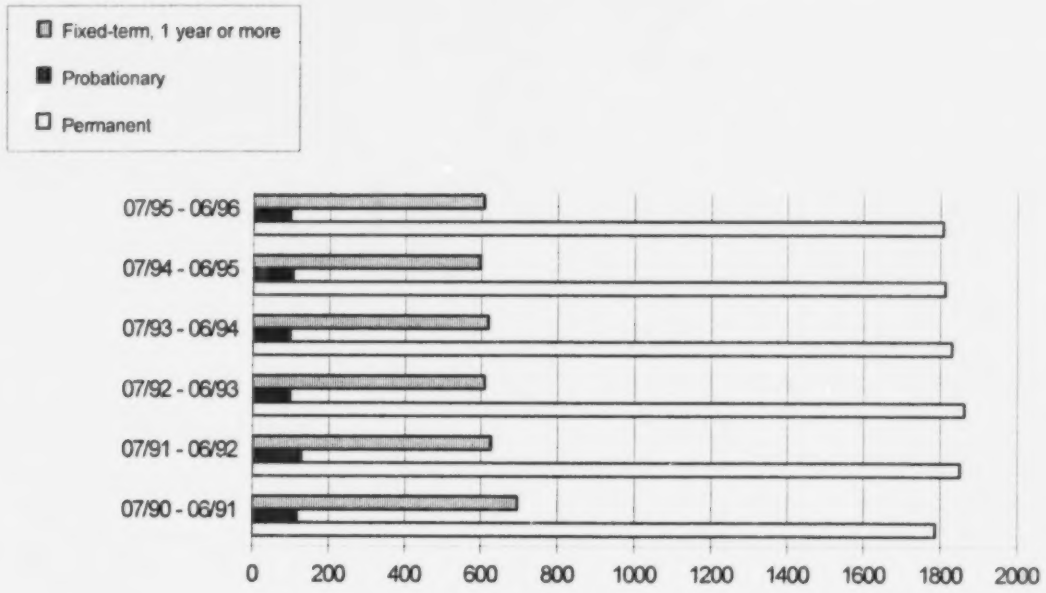
Year	Number of staff by type of appointment		Proportion of fixed-term appointments to total of staff subject to equitable geographical distribution (Percentage)
1991	Permanent	1 787	
	Probationary	117	
	Fixed-term, 1 year or more	696	26.8
	Total	2 600	
1992	Permanent	1 853	
	Probationary	128	
	Fixed-term, 1 year or more	627	24.0
	Total	2 608	
1993	Permanent	1 864	
	Probationary	99	
	Fixed-term, 1 year or more	610	23.7
	Total	2 573	
1994	Permanent	1 832	
	Probationary	99	
	Fixed-term, 1 year or more	619	24.3
	Total	2 550	
1995	Permanent	1 814	
	Probationary	104	
	Fixed-term, 1 year or more	597	23.7
	Total	2 515	
1996	Permanent	1 809	
	Probationary	97	
	Fixed-term, 1 year or more	608	24.2
	Total	2 514	

UNITED NATIONS SECRETARIAT

Staff subject to geographical distribution

July 1990-June 1996

(by contract type)[a]



Source: Department of Administration and Management, Office of Human Resources Management.

[a] Total population: 2,514.

B. Proportion of fixed-term appointments for all staff

16. As of 30 June 1996, the situation was as follows for staff serving under the 100 series of the Staff Rules, including language staff, Field Service staff, staff in the General Service and related categories, and staff serving on appointments of less than one year:

Type of appointment	Number of staff for each type
Permanent	6 943
Probationary	106
Indefinite	437
Fixed-term	6 184
Total (100 series staff)	13 670
Percentage of fixed-term appointments to total staff serving under the 100 series of the Staff Rules	45.2

17. "Fixed-term appointments" are also granted to project personnel serving under the 200 series of the Staff Rules who, as of 30 June 1996, numbered 591 individuals. Taking this into account, the proportion of fixed-term appointments rises to 47.5 per cent.

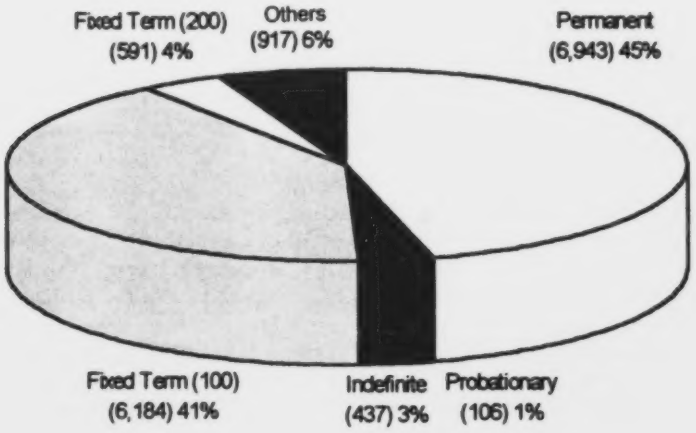
18. In considering the totality of Secretariat staff members, including those serving under the 300 series of the Staff Rules whose terms of appointment clearly indicate that their service will be of a limited duration, the following appears:

Number of staff on appointments traditionally associated with career:			
Permanent	6 943		
Probationary	106		
Indefinite	437		
Subtotal		7 486	
Number of staff on other appointments:			
Fixed-term under the 100 series	6 184		
Fixed-term under the 200 series	591		
All others, including 300 series	917		
Subtotal		7 692	
Total			15 178
Percentage of "career" (in the traditional sense) to total number of staff:			49.3
Percentage of staff potentially on a career track as a result of resolution 37/126, including fixed-term staff serving under the 100 series of the Staff Rules, assuming they all meet or will meet the condition of 5 years of good service:			90.1

The data set out above is reflected in the following chart:

UNITED NATIONS SECRETARIAT

All staff by type of appointment (as of 30 June 1996)



Source: Department of Administration and Management, Office of Human Resources Management.

Total population: 15,178.

IV. POSSIBLE APPROACHES

19. Three different approaches, which could be adopted individually or in combination, are submitted to the General Assembly for its consideration:

(a) Given the widely disparate situations now included in the category of "fixed-term appointment", and the resulting limits on the usefulness of a proportion based on a broad and multi-purposed category, a desirable proportion of career appointments could be set, with no change to the existing types or conditions of appointments. In order to rationalize the system, and make it responsive to budgetary constraints, the General Assembly may wish to establish an overall limit on the number of career appointments that would be directly related to the expected long-term resources of the Organization;

(b) With no change to the existing types of appointments, General Assembly resolution 37/126 could be clarified to specify that staff members will be entitled to consideration for conversion to career appointment not only when

they have completed five years of continuing good service, as now provided, but also when the work and functions to be performed are of a continuing nature and, if the General Assembly should so decide, the number of career appointments does not exceed the overall limit which may be set under subparagraph (a) above;

(c) Building on the best attributes of subparagraphs (a) and (b) above, a dual track system of career and non-career appointments could be introduced, with new types of appointment better suited than the existing ones to the present and future needs of the Organization.

A. Set an overall limit on the number of career appointments based on a proportion of established posts in the regular budget

20. Traditionally, the Secretary-General and the Member States have considered it desirable to have 25 per cent of staff in posts subject to equitable geographical distribution on fixed-term appointments (see annex, para. 5). This is very close to the situation as of 30 June 1996 where, as shown in paragraph 15 above, the proportion for that category was 24.2 per cent. However, as shown in paragraph 16 above, if all categories of staff serving under the 100 series of the Staff Rules are taken into account, including language staff, Field Service staff and staff in the General Service and related categories, the proportion of staff on fixed-term appointments increases to 45.2 per cent.

21. Fixed-term appointments under the 100 series of the Staff Rules are used in a wide variety of situations to meet many different needs of the Organization. A fixed-term appointment may be given, for instance, when state-of-the-art knowledge is required in a technical area and it is expected that a staff member recruited under those conditions will leave the service of the Organization after a relatively short period. Similarly, a fixed-term appointment may be given when purely operational activities are to be conducted, or when permanent staff on extended leave or mission assignment must be replaced. But it is also given as a means to create a quasi-probationary period of five years or more for staff who have been recruited to discharge continuing functions outside the national competitive examination route before they are considered for permanent appointment. For this reason, if a proportion is to be set based on existing types of appointments - despite the fact that the distinction between "career" and "fixed-term" appointments has disappeared to a large degree - it would appear preferable to do so on the basis of "career" appointments, which traditionally include probationary, permanent and indefinite appointments, rather than on the basis of the "fixed-term appointment" label, which covers a wide variety of disparate situations and purposes.

22. Any decision to set a proportion of career appointments at a given level must take into account the basic principle that long-term contractual commitments, such as those made to staff who receive a career appointment, require long-term financial resources. In budgetary terms, the only resources which could have the requisite measure of continuity and predictability over a long-term period would be those provided by the regular budget, even though the regular budget itself is subject to fluctuations. Extrabudgetary resources are

generally much more unpredictable; they are often provided to reimburse for services which may stop being required, or to allow for the execution of projects which are by nature of limited duration. From a financial management point of view, therefore, and if a maximum overall number of career appointments is to be determined with any certainty, that number should be directly related to the number of established posts in the regular budget. However, staff members with career appointments could continue to be placed against posts financed by extrabudgetary resources, provided the work to be performed is of a continuing nature, as long as the overall limit based on the proportion of career appointments to established posts in the regular budget would not be exceeded.

23. A simple solution might have been to limit eligibility for conversion to career appointment to those staff serving on an established post funded by the regular budget. This would have formalized and reinforced a practice followed by the Secretariat for many years, under which conversion from fixed-term to permanent status was made only when the staff member was placed against an established regular budget post. This, however, is not a viable solution. First, data show that, as of 30 June 1996, 21 per cent of all staff on career appointments encumbered posts financed through extrabudgetary resources, thus breaking the original link between permanent appointments and the existence of regular budget posts. This has happened because, after conversion to permanent status, staff members have been asked, or have volunteered, to perform functions financed through extrabudgetary resources; the original regular budget post may then have been used to convert the appointment of another staff member to career status. Second, from a human resources management point of view, the rigid enforcement of any rule which would require placement on a regular budget post as a condition for conversion to permanent status might not serve the Organization best. It would be a disincentive for staff members to be mobile and assume functions not financed by the regular budget if this meant that they would lose eligibility to be considered for a career appointment. This would also be to the detriment of the Organization and its ability to meet its mandates, which require expertise and experience in all fields to perform supervisory and other core functions. This is the case for instance for peacekeeping missions and development support activities which are financed to a large extent through extrabudgetary means. Third, in its judgement No. 712, Alba et al., rendered on 28 July 1995, the Administrative Tribunal noted that General Assembly resolution 37/126 did not refer to source of funding, and held that staff were entitled to consideration for permanent appointment regardless of the source of financing of their functions, although the general financial framework might lead to a decision not to grant conversion in particular cases. Thus, even if the approach of limiting eligibility for consideration for career appointment had worked in practice and produced positive results, it could not formally be endorsed as long as resolution 37/126 remains in its present form.

24. A global balance between the number of career appointments and the number of established posts in the regular budget could be achieved by placing on the overall number of career appointments a maximum corresponding to a pre-determined proportion of established posts in the regular budget which the Assembly would establish. Within that overall limit a percentage of extrabudgetary posts - 20 per cent or more, if consistent with the nature of the functions and their particular funding conditions - could be used for the

placement of career staff, thus taking into account (a) the fact that the Organization can reasonably expect at least a limited proportion of extrabudgetary resources to be renewed or continued from year to year over a variety of projects or other objects of expenditure, and (b) the fact that it is in the interests of both the Organization and the staff members to acquire a broad range of substantive and managerial experience in all aspects of the Secretariat's activities, whatever their source of funding.

25. The following table illustrates the effect of this approach on the overall maximum number of career appointments in the global Secretariat, based on 10,021 established regular budget posts for 1996, as well as on the incumbency of posts by career staff.

26. Should the General Assembly decide to follow the approach outlined above, the actual decision to select one percentage in preference to others would have to take into account the impact of that decision on present and future staff. As of 30 June 1996, there were 7,486 staff members holding a permanent, probationary or indefinite appointment. Any percentage of established regular budget posts resulting in the same or a lower maximum number of career appointments (75 per cent or below) would preclude the granting of new career appointments until such time as the number of career staff would fall below the set maximum. New career appointments could resume only after enough serving career staff members have separated through attrition, or for other reasons. However, in view of the continued need to attract bright new recruits to serve with the Organization on a long-term basis, the General Assembly may wish to decide that successful candidates in the national competitive examination would continue to receive a career-type appointment (probationary, or "pre-career" if the third approach presented in paras. 33-46 below is endorsed), even if the number of existing career staff exceeded the maximum resulting from the proportion of career staff to regular budget posts that may be fixed by the Assembly.

27. The Secretary-General wishes to underline that a decision of the General Assembly setting a proportion of career staff at less than 75 per cent of the number of established posts in the regular budget - which, based on a total of 15,178 staff members as of 30 June 1996, would mean that no more than 49.5 per cent of all the staff could have a career appointment - would in effect call into question the very concept of career international civil service, which the Secretary-General is committed to protect. Such a decision would also be very difficult to implement. For instance, a proportion of 70 per cent of established regular budget posts would set a maximum of 7,015 career staff. There are at present 7,486 staff members holding a career appointment. Based on the projection that 352 career staff members will have retired or be otherwise separated by the end of 1997, no probationary, permanent or indefinite appointment could be given until the end of 1998, by which time it is projected that another 182 career staff members will have reached retirement age. Furthermore, those estimates are made on the assumption that the number of established posts in the regular budget remains constant. If, however, the number of posts decreases in the coming years, the maximum number of career staff would decrease proportionately, thus postponing even further the point in time when career appointments could resume.

1	2	3	4		5	
Percentage of established regular budget posts (10,021 for 1996)	Overall limit on all career appointments based on percentage in column 1	Based on percentage in column 1, proportion of career staff to all staff (15,173 as of 30 June 1996)	Within overall limit, number and percentage of career staff encumbering regular budget posts (assumption: 80 per cent of career staff on regular budget posts)		Within overall limit, number and percentage of career staff encumbering extrabudgetary posts (assumption: 20 per cent of career staff on extrabudgetary posts)	
Percentage	Number	Percentage	Number	Percentage	Number	Percentage
100	10 021	66	8 017	52.8	2 004	13.2
95	9 520	62.7	7 616	50.2	1 904	12.5
90	9 019	59.4	7 215	47.5	1 804	11.9
85	8 518	56.1	6 814	44.9	1 704	11.2
80	8 017	52.8	6 414	42.2	1 603	10.6
75	7 516	49.5	6 013	39.6	1 503	9.9
70	7 015	46.2	5 612	37	1 403	9.2
65	6 514	42.9	5 211	34.3	1 303	8.6
60	6 013	39.6	4 810	31.7	1 203	7.9
55	5 512	36.3	4 410	29	1 102	7.3
50	5 011	33	4 009	26.4	1 002	6.6

Note: As of 30 June 1996, there were 7,486 staff members on career appointments, or 49.3 per cent, out of a total number of 15,178 staff members. 5,931, or 79 per cent of career staff encumbered 59.2 per cent of established regular budget posts; 1,555, or 21 per cent of career staff encumbered posts financed through extrabudgetary resources.

B. Clarify resolution 37/126

28. The General Assembly may wish to clarify its resolution 37/126, in which it decided that staff members on fixed-term appointments were to be considered for a career appointment after five years of continuing good service. One of the difficulties faced by the Secretariat in applying the resolution has been to determine what satisfied the requirement of "good service". Staff rule 104.12 (b) (iii), which implemented the resolution, specifies that the staff member must have fully met the criteria of staff regulation 4.2, i.e., the highest standards of efficiency, competence and integrity. The new performance appraisal system will facilitate the assessment of whether those criteria have been met before a staff member is eligible for consideration for conversion to career status.

29. Another difficulty in applying General Assembly resolution 37/126 is the fact that its present wording does not explicitly mention the need to reflect the operational realities of the Organization and to maintain a proportion of career versus non-career staff, as originally intended. In this respect, the 1982 report of the International Civil Service Commission, on the basis of which the General Assembly formulated its resolution, stated that five years would appear to be a reasonable time for organizations to decide whether a staff member should be permanently retained or not, both in terms of determining if the work to be performed is of a continuing nature or not and evaluating the suitability of the staff member.[9] The continuing nature of the staff member's functions was therefore to be an important element in the decision as to whether an individual should be granted a permanent appointment, but this was not specifically mentioned in resolution 37/126 as a condition for consideration for conversion to career status. As a result, there was no solid basis for the Secretariat to link conversion to career status to its operational realities and needs which, according to the Commission, should be reflected in the proportion of career and fixed-term staff to be determined by each participating organization (see annex, para. 17). It would be desirable, therefore, that the Assembly clarify that consideration for conversion to career status requires that the functions be of a continuing nature.

30. In addition, should the General Assembly wish to adopt the approach presented in paragraphs 20 to 27 above, and set for that purpose an overall limit on the number of career appointments based on a percentage of established posts funded by the regular budget, resolution 37/126 would need to be clarified to that effect. The silence of the resolution on the need to take financial considerations into account led to considerable uncertainty until judgement No. 712, Alba et al., in which the Administrative Tribunal held that staff financed from extrabudgetary sources must be treated in the same manner as staff on regular posts, and cannot as a class be excluded from consideration, at least as long as resolution 37/126 is in force. The Tribunal noted, however, that while individual consideration for a career appointment must be given after five years of continuing good service to all staff serving on a fixed-term appointment, the general financial framework might ultimately determine whether or not a career appointment can actually be granted in each particular case.

31. From a human resources point of view, the Alba judgement has raised expectations of conversion to career appointment for all staff who have provided

good service for a period of at least five years, independently of all other elements, even when those elements are such that conversion could not in the end be granted, either because the functions are temporary, or because there is no long-term funding for those functions. Additionally, considering all staff on fixed-term appointment for conversion to career status after five years is unnecessarily complex and costly when it is clear from the start that, regardless of the level of performance of the staff member involved, no conversion to career status should reasonably be made. This would be the case, for example, for staff who work on projects of a limited duration or are recruited to replace permanent staff members on mission detail, or on extended leave.

32. The second approach, especially if used in conjunction with setting an overall limit on the number of career appointments, would permit overall management and control over the number and types of situations in which fixed-term appointments are converted to career appointments, always on the understanding that conversion would require that the staff member being considered meets the requisite standards of performance. It would not, however, address the fundamental ambiguity created by the wide differences in the situations of staff serving on a fixed-term appointment.

C. Introduce a system of career and non-career tracks, with new types of appointment

33. The Secretary-General proposes a third approach which, in his view, would reinforce the concept of career service, the importance of which both the General Assembly and he have repeatedly affirmed. In this approach, a dual track system of appointments would be introduced, with one track normally leading to a career with the Organization, while the other would not. The present system leads to confusion because, except for staff recruited through a national competitive examination who normally receive a probationary appointment on initial recruitment, all new staff members presently recruited under the 100 series of the Staff Rules receive a fixed-term appointment. This is so whether or not the work to be performed is of a continuing nature, and regardless of the source of financing of the functions; of the expected duration of the needs to be met; of the specialized nature of the functions - which may demand state-of-the-art knowledge and rapid turnover; or of the fact that the occupation or functions require institutional knowledge or memory. A dual track system would make a distinction among all of these situations, and would permit each staff member to have a status reflecting more accurately than is at present possible his or her true career expectations.

34. Set out below is a broad outline of the system which could be established under this approach. If endorsed by the General Assembly, the system will be fully developed in a manner which would fully respect the acquired rights of existing staff members.

1. Career track

35. Newly recruited staff placed directly on the career track would receive an initial pre-career appointment for a duration of up to two years, with an expectancy of renewal for another three years, subject to performance meeting the requisite standards.

36. At the entry-level in the Professional category and above, a pre-career appointment would be given to successful candidates in a national competitive examination who would be placed against a post with continuing functions. During the pre-career stage, those staff members would be expected to serve in at least two different assignments under two different supervisors over a five-year period, thus allowing them to demonstrate their interest in, and suitability for, a career in the United Nations (see A/C.5/51/1, paras. 17-31). Those two assignments would be served in two different departments or offices, if possible in different duty stations. Mobility would also be encouraged across occupational groups for those staff members having the necessary qualifications and experience. However, the two assignments could be served in the same department or office - but under different supervisors - when it would not be possible to assign a staff member elsewhere.

37. At higher levels in the Professional category and above, a pre-career appointment could also be offered to newly recruited staff whose services the Secretariat would anticipate requiring over a prolonged period, in order to build and maintain continuity of knowledge and experience within the Organization. This would require a determination that the work relates to core functions of a continuing nature, in areas such as policy-making, programme planning and management, information, management of human and financial resources, administration and supply, in political and legal affairs.

38. The greater length of the pre-career appointment vis-à-vis the existing probationary appointment would allow for two different assignments to be completed, leading to a better assessment of the performance and suitability of the newly recruited staff members. The new system would also emphasize from the start the importance of mobility within the Secretariat, and alleviate the problem which has sometimes been faced by newly recruited staff who may be placed on an overly narrow path within one particular department or office.

39. In the General Service and related categories, recruitment takes places almost exclusively at the entry-level, the higher levels being filled through internal promotion. Newly recruited staff are typically recruited for a three-month period, which may be extended for six months, and then for a longer period, always subject to performance meeting the requisite standards. The system has worked satisfactorily over the years and should be continued. There would, therefore, be no initial career track appointment, but movement from the non-career to the career track which would be made under the conditions outlined in paragraph 45 below.

40. Subject to performance and the needs of the Organization, the pre-career appointment would be converted to a career/permanent appointment which would have no expiry date and would continue, provided that the performance of that staff member remained at or above the requisite level.

41. As is now the case for permanent appointments, the career track appointments would be subject to termination for abolition of post, reduction of staff, on health grounds, for failure to meet the requisite level of performance and for disciplinary reasons.[10] With respect to performance, the new performance appraisal system will allow for a full annual review which would render redundant the review now conducted at the end of the first five years of service under a permanent appointment.

42. Should the General Assembly decide to establish a proportion of career staff linked to the number of posts in the regular budget as proposed in paragraphs 20 to 27 above, the granting of a career track appointment on recruitment or conversion from the non-career track would be possible only if the number of existing career staff was below the allowed maximum. If this condition could not be met, a non-career appointment would have to be given.

2. Non-career track

43. The non-career track would be used for staff who are recruited to perform work of a non-continuing nature or services limited by reason of their funding, the expected time of delivery or completion, or other factors. This would be the case, for instance, for staff on secondment from government service, who would receive a non-career appointment for the duration of their secondment. Similarly, individuals recruited to replace staff on mission assignment or on extended leave, as well as those recruited for purely operational needs entailing no core functions would receive a non-career appointment, the duration of which would not exceed the expected duration of their services.

44. Depending on the needs of service, the nature of the work to be performed and its requirements, staff on the non-career track would be offered one of the following:

(a) A "non-career fixed-term appointment" under the 100 series of the Staff Rules. The terms of this appointment would emphasize lack of expectancy of renewal;

(b) An appointment under the 200 series of the Staff Rules (project personnel whose functions depend on the existence of project funds);

(c) An appointment under the 300 series of the Staff Rules (either the traditional short-term appointment or an appointment of limited duration).

45. Staff originally on the non-career track could, under conditions to be defined by the Secretary-General, move to the career track after a number of years of service meeting the highest standards of efficiency, competence, and integrity if selected on the basis of their qualifications and experience for continuing core functions. Such movement would be subject to the overall maximum resulting from the proportion between the number of career staff and the number of posts in the regular budget which the General Assembly may establish if it decides to endorse the approach set out in paragraphs 20 to 27 above.

46. If the General Assembly decides to endorse the introduction of a dual system of career and non-career tracks, it will be necessary to specify that resolution 37/126, as may be clarified, would not apply to any of the non-career appointments. If this were not done, the requirement to give every reasonable consideration for conversion to career status to staff holding a fixed-term appointment under the 100 series of the Staff Rules could be construed as continuing to apply. This would defeat one of the main objectives of introducing a new system which would rationalize conversion to career status by restricting eligibility for conversion to those situations where the needs and resources of the Organization justify and allow long-term commitment to the staff members involved.

47. The Secretary-General considers that the third approach proposed in this report would reinforce and refocus the concept of career service, and would resolve the present difficulties faced by the Secretariat in deciding whether conversion to career status could and should be made. By introducing a framework allowing for a better management of human resources over the long-term, it would provide enough flexibility to ensure that the present and future needs of the Organization as well as its constraints are taken into account.

48. If the General Assembly endorses the principle of a dual track system of career and non-career appointments, any necessary amendments to the Staff Regulations would be prepared for its consideration at the next session. Meanwhile, based on the General Assembly's decision to select one or more of the approaches outlined in this report, or any other, work would begin on the full elaboration of the conditions required for implementing the Assembly's decision, after full consultation with the staff in accordance with article VIII of the Staff Regulations and chapter 8 of the Staff Rules.

Notes

[1] Staff rule 204.3 provides for temporary appointments for a fixed term, which may be for short term (less than one year), intermediate term (one year or more, less than five years) or long term (five years or more).

[2] Staff regulation 4.5 provides:

"(a) Appointment of Under-Secretaries-General and of Assistant Secretaries-General shall normally be for a period of five years, subject to prolongation or renewal. Other staff members shall be granted either permanent or temporary appointments under such terms and conditions consistent with the present Regulations as the Secretary-General may prescribe.

"(b) The Secretary-General shall prescribe which staff members are eligible for permanent appointments. The probationary period for granting or confirming a permanent appointment shall normally not exceed two years, provided that in individual cases the Secretary-General may extend the probationary period for not more than one additional year."

[3] In accordance with staff rule 104.12 (c) (ii), indefinite appointments are also frequently given to persons specifically recruited for service with the Office of the United Nations High Commissioner for Refugees.

[4] Staff regulation 9.1 (b).

[5] Annex III to the Staff Regulations, para. (d).

[6] The expression "staff in posts subject to geographical distribution" is a short way to refer to the applicability of the desirable range for each Member State. The need to ensure a geographical distribution as wide as possible is taken into account in the recruitment of all international staff, in accordance with Article 101 of the Charter and staff regulation 4.1, whether or not the particular appointment is subject to the application of the desirable ranges.

[7] It is noted that the total of 15,178 includes 1,012 staff members serving on short-term appointments or fixed-term appointments of less than one year. Those staff members have not been included in the report on the composition of the Secretariat (see A/51/421 and Corr.1) which traditionally focuses on staff serving for periods of one year or more. Staff members employed by subsidiary organs of the United Nations, its separate funds and programmes, such as the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), are not included in the total of 15,178.

[8] Indefinite appointments are not included because, in the Secretariat, they are given to staff in the General Service and related categories whose appointment is limited to service at an established mission. Those staff members are not subject to geographical distribution, which is the subject of paragraph 15 of the report.

[9] Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 30 (A/37/30), annex I, para. 32.

[10] The grounds for termination of appointment mentioned in the text are those governed by article IX of the Staff Regulations. Appointments may also be terminated as a result of a disciplinary measure imposed under article X of the Staff Regulations and chapter 10 of the Staff Rules, which would remain unchanged.

ANNEX

Objectives followed by the Organization over the years on the question of career vs. non-career appointments

1. A basic choice was made in the early years of the Organization that the Secretariat would have a core of career staff, which would be complemented as needed by other staff, depending on the requirements of the Organization. Over the years, the needs of the Organization and other important factors have contributed to expand the extent to which non-career staff would be called into service.

A. Rationale for a career service

Ensure the independence of the international civil service

2. The fundamental principle of the independence of the international civil service is enshrined in Article 100 of the Charter, which provides, in its paragraph 1 that "[i]n the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization". As indicated by the Secretary-General in his 1994 report to the General Assembly (A/49/445), career service remains central to the notion of an independent civil service responsible only to the Secretary-General, as it serves to protect staff from outside pressures and helps staff to adjust their activities and conduct to their fundamental obligation to act with the interests of the Organization only in view, which is set out in Article 100 (1) of the Charter of the United Nations, staff regulation 1.1 and the Oath of Office signed by every staff member.

Maximize staff quality, staff morale and efficiency

3. Security of employment for staff has traditionally been seen as one of the best tools for the Organization to attract, and retain, the best candidates who would forego better conditions of service and remuneration in the private sector, and the advantages associated with employment in one's own country, such as social security and unemployment insurance. The optimal discharge of most administrative and managerial functions requires continuity, thorough knowledge of the Organization and institutional memory. Career staff members are more apt to devote all their energies to their work rather than having to constantly worry about whether their appointments will be renewed, especially in the months preceding the expiration date. It should also be noted that, from an administrative point of view, a rapidly changing workforce requires repeated recruitment and separation procedures, generating substantial direct and indirect costs.

4. The principle of a core of career staff was initially formulated for the international civil service in 1921 in connection with the League of Nations, when Mr. Georges Noblemaire stated that a guarantee of job security "is one of

the surest factors making for the efficiency of any administrative staff, and that a tolerable measure of security is indispensable for the satisfactory accomplishment of the daily tasks".[a] In the early years of the United Nations, the report of the Committee of Experts on Salary, Allowances and Leave Systems, usually referred to as the "Flemming Report" after its chairman, Mr. Arthur S. Flemming, concluded that an increased degree of employment security for staff was desirable, and recommended that staff members not be kept for a long period of time on "temporary status".[b]

5. In 1966, the Secretary-General submitted to the General Assembly a report dealing with the situation created by an increase in the number of staff on fixed-term appointments who occupied posts subject to geographical distribution.[c] The proportion had moved from 25 to 28.1 per cent in 1965, and 29.7 per cent in 1966.[d] The increase was due, in major part, to the fact that a number of Member States were at the time unwilling or unable to release their nationals for career service with the Organization. Typically, those nationals were seconded to the United Nations for a period of four to five years, after which they returned to government service. In resolution 2241 (XXI) of 26 October 1966, the General Assembly took note of the existing situation and, as a temporary measure, accepted the need for an increased recruitment of staff on a fixed-term basis. This, however, was clearly a deviation from the accepted norm, as expressed by the same resolution which recognized "the need for a large proportion of permanent contracts and fixed-term contracts of longer duration to ensure the stability and efficient operation of the Secretariat."

6. In 1982, at the request of the General Assembly in its resolution 36/233 of 18 December 1981, the International Civil Service Commission (ICSC) submitted a report on career, types of appointment, career development and related questions.[e] In that report it stated that the need for a core career staff remained valid and that there were many advantages to a career service, both in terms of staff quality and cost-effectiveness.[f] The advantages of a career service listed by the Commission were the positive impact on the ability to attract candidates; the reduction of recruitment and separation costs; increased effectiveness and productivity of staff members as they become more familiar with the nature of international service; increased staff morale and motivation based on a sense of job security; and a better tool to plan more systematically for human resources needs. The Commission noted that the practice of granting successive fixed-term contracts over an extended period of time created a climate of anxiety and insecurity among staff which was not in the interest of sound management. However, the Commission also noted that the granting of a permanent contract did not necessarily imply an unconditional commitment by an organization to employ a staff member for the rest of the member's working life, as career appointments could be terminated if the interests of the organization so dictated.[g] In resolution 37/126, the General Assembly welcomed the report and accepted the recommendation of the Commission that staff members on fixed-term appointments should be given every reasonable consideration for a career appointment upon completion of five years of continuing good service.

7. Finally, in his report of 29 September 1994 to the General Assembly (A/49/445), the Secretary-General underlined that long-term service is conducive to greater efficiency in certain posts entailing complex duties and responsibilities and that such service is imperative for key administrative,

financial and policy-making personnel who must gain exposure over time to the various aspects of United Nations management.

Career service as an integral part of the Organization's human resources management

8. Career service implies a long-term commitment of staff members to the Organization, and the Organization's corresponding commitment to develop, expand and adjust the skills of its career staff who have demonstrated a high calibre of performance. A career development system is a powerful incentive for the best staff to acquire experience in a range of functions of increasing scope and complexity. A number of important elements of that system have been put into place or have expanded in recent years in the areas of training and career development. Furthermore, a system of career management will shortly be introduced for all entry-level Professionals who have passed a competitive examination (A/C.5/51/1, paras. 17-31).

9. The importance of career service as an integral part of the Organization's human resources management was recognized in 1974 when the General Assembly authorized the Secretary-General to proceed with the implementation of his proposals for the improvement of personnel policies and practices, including the development of a core of career staff whose recruitment and advancement would be based on broad occupational groups.[h] The idea was expanded in the 1982 report of ICSC, which underlined that career service was a better tool for a more systematic planning of human resources.[i] Following that report, the General Assembly, in its resolution 37/126, recommended that organizations establish their needs for permanent and fixed-term staff on a continuing basis and in conjunction with the human resources planning process. The same idea is central to the Secretary-General's 1996 report, explaining his plan to manage centrally the career of all entry-level Professional staff so as to allow them to demonstrate their interest in, and suitability for, a United Nations career (A/C.5/51/1, paras. 17-31).

B. Other competing needs of the Organization

Need to allow intake at all levels of nationals from unrepresented or under-represented Member States

10. This need is addressed for the top echelon by staff regulation 4.5 which provides that appointment of Under-Secretaries-General and Assistant Secretaries-General shall normally be for a period of five years, subject to prolongation or renewal. The need is also addressed at the entry-level of the Professional category, where posts are filled through national competitive examinations focused on unrepresented and under-represented countries. For the intermediate levels, the need is typically addressed by resolutions dealing with geographical distribution, which are aimed at ensuring that nationals of unrepresented or under-represented Member States have a realistic opportunity to be recruited, on secondment or otherwise.

11. This goal of ensuring that unrepresented and under-represented Member States improve their representation could hardly be reached if all staff were to

be appointed on a career basis and were to develop a career over a span of 20 or 30 years. It is in that context that attention is usually paid to the proportion of career and fixed-term staff among staff subject to geographical distribution, i.e., Professional staff (excluding language staff) appointed for one year or more under the 100 series of the Staff Rules. This was the case 30 years ago when, after considering the report of the Secretary-General (A/6487), the General Assembly, in resolution 2241 (XXI) of 20 December 1966 emphasized that, while the norm remained a career service, increased recruitment on the basis of fixed-term contracts, especially in the case of developing countries, might help to achieve a balanced geographical distribution. The request of the General Assembly in resolution 49/222 A, section II, paragraphs 1 to 4, for proposals on what proportion of appointments should be made on a fixed-term basis was also based on the concern to ensure full implementation of the principle of equitable geographical distribution.

12. A special situation existed until the end of the 1980s with respect to nationals of Member States that requested that their nationals be recruited on secondment from government service, with the consequence that those staff members could only receive a fixed-term appointment after which they would return to government service. The practice was controversial, as evidenced by the manner in which it was treated in 1986. Recommendation 55 of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations stated that "no more than 50 per cent of the nationals of any one Member State employed by the United Nations should be appointed on a fixed-term basis" as a means to facilitate the implementation of resolution 35/210.[3] Section I, paragraph 3 of that resolution reaffirmed that no post should be considered the exclusive preserve of any Member State, or group of States, and requested the Secretary-General to ensure that this principle be applied faithfully in accordance with the principle of geographical distribution. However, the report of the Group stated that some members of the Group had indicated that the sentence quoted above violated the provisions of section I, paragraph 4 of General Assembly resolution 35/210, which requested the Secretary-General to continue to permit replacement by candidates of the same nationality within a reasonable time-frame in respect of posts held by staff members on fixed-term contracts, whenever this was necessary to ensure that the representation of Member States whose nationals served primarily on fixed-term contracts was not adversely affected. A similar split among the Group appeared in recommendation 57, which stated that, "in order to ensure that the principle of equitable geographical distribution is faithfully reflected among the Secretariat staff holding permanent appointments, at least 50 per cent of the nationals of any Member State working in the Secretariat should be employed on a permanent basis".[3] Here again, some members of the Group indicated that the sentence just quoted ran counter to the principle of equitable geographical distribution and violated section I, paragraph 4, of General Assembly resolution 35/210.

13. When considering recommendations 55 and 57, the Fifth Committee noted that, as stated in the report itself, some members of the Group had indicated that the sentences in question should not be included in the report of the Group. The Fifth Committee further noted the statement by the Chairman of the Group indicating that these recommendations had not enjoyed the necessary support (A/41/795). In its section I of resolution 41/213 of 19 December 1986, the

General Assembly decided that the Secretary-General should take into consideration the relevant provisions of Assembly resolution 35/210 in implementing recommendations 55 and 57, "to the extent they are agreed upon". Since there had been no agreement on the 50/50 proportion of fixed-term/permanent, no action was taken in that regard.

14. The situation has changed considerably over the last few years. A number of Member States which, until the end of the 1980s, requested that their nationals be recruited on secondment from government service, no longer do so. At the same time, and as a result of judgement No. 482, Qui, Yao, Zhou, rendered in 1990 by the Administrative Tribunal, many staff members previously thought to be on a valid secondment suddenly found themselves on a fixed-term appointment, and became eligible to be considered for a career appointment like any other staff member after five years of continuing good service. Any need that may have existed to avoid having all the nationals of certain Member States on fixed-term contracts associated with their secondment status has now disappeared.

15. The full effect of this change has not yet been felt because a suspension on conversion of fixed-term appointments to permanent was imposed by the Secretary-General in 1992 to facilitate the restructuring of the Secretariat and the reassignment of existing staff. The suspension was lifted in 1994, but had to be reimposed in 1995 because of the financial crisis and the uncertainty it places on the resources of the Organization.

Need to allow intake of fresh talent at all levels

16. The need to allow an intake of fresh talent at all levels has been acknowledged from the start of the Organization. There were always certain areas in which the Organization would benefit from the recruitment of new staff who could provide fresh expertise and a new outlook. Such would be the case in technical areas requiring state-of-the-art knowledge, or in more traditional areas in need of renewal for better functioning. The need for fresh talent is explicitly recognized in staff regulation 4.4. It was mentioned in the Flemming Report as a requirement which would limit the all-inclusiveness of the career service. It was implicitly acknowledged in the 1982 report of the ICSC, which explained that the decision as to whether appointments should be converted to permanent should be determined on the basis, inter alia, of the continuity of the functions and of the particular needs of each programme, noting that the proportion of career and fixed-term staff should truly reflect the operational reality of an organization.[1] The need to bring in fresh talent "on a trial basis" was also mentioned in the 1994 report of the Secretary-General (A/49/445, para. 34)

Need to adjust to changing role and functions of the Organization

17. The Organization has assumed over the years new roles and functions, to an extent and in a manner that could not be foreseen 30 or 40 years ago. Major increases occurred in operational activities undertaken in the areas of development, technical assistance, humanitarian aid and assistance, and peacekeeping missions. While a substantial number of staff involved in those activities serve under the 200 and 300 series of the Staff Rules, which do not

provide for permanent appointments, many others are governed by the 100 series, including all General Service staff serving on technical assistance projects."[m] The need to tailor the terms of appointment to the nature of the functions to be discharged was recognized from the start in the Flemming Report which envisaged non-career appointments for staff qualified only for duties which are not in their nature continuing elements of the work of the Secretariat.[k] The ICSC in its 1982 report also indicated that the continuing nature of the work to be performed should be, together with the evaluation of the suitability of the staff member, a condition for converting fixed-term staff to permanent status after five years of service."[n] The Commission noted at the time that the conversion policy it recommended did not restrict the flexibility of organizations to determine their ratio of permanent staff and fixed-term staff according to the particular needs of their programme, explaining that if the ratio truly reflected the operational reality of the organizations, the phenomenon of long-term staff on short-term contracts should disappear.[l] However, the condition that the work to be performed was of a continuing nature was not explicitly mentioned in resolution 37/126 which was adopted in the light of the Commission's report, thus creating major problems for the Organization. The need to take into account the changing role and functions of the Organization was also reflected in the Secretary-General's 1994 report which listed as grounds for not granting a career appointment the non-continuing nature of the work, and the requirement for special skills not otherwise available in the Organization (A/49/445, para. 34).

Need to take financial considerations into account

18. Financial considerations do not appear to have been explicitly identified as one of the relevant factors in discussions concerning career or non-career appointments for staff before the 1994 report of the Secretary-General (A/49/445, para. 34), presumably because of a general assumption that funding would continue or expand in years to come, and that new projects would replace completed projects. This assumption is clearly no longer valid. It is essential that any general approach determining a desirable proportion of career appointments take into account the basic principle that long-term commitments, which the granting of career appointments constitutes, require reasonably secure long-term resources.

Notes

[a] "Report by the Fourth Committee to the Assembly on the Conclusions and Proposals of the Commission of Experts Appointed in Accordance with the Resolutions Adopted by the Assembly of the League of Nations at its Meeting of 17 December 1920", 26 September 1921 ("the Noblemaire Report").

[b] "Committee of Experts on Salary, Allowances and Leave Systems: report to the Secretary-General" of 31 October 1949 ("the Flemming Report"), para. 115.

[c] A/6487. As indicated in para. 14 of the report, the proportion had increased from the 25 per cent traditionally seen as desirable to 28.1 per cent in 1965 and 29.7 per cent in 1966.

[d] It is assumed that the proportion dealt exclusively with staff subject to geographic distribution.

[e] Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 30 (A/37/30), annex I.

[f] Ibid., para. 24.

[g] Ibid., para. 31.

[h] Report of the Joint Inspection Unit of 14 October 1974 (A/C.5/1601 and Add.1).

[i] Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 30 (A/37/30), annex I, para. 24.

[j] Official Records of the General Assembly, Forty-first Session, Supplement No. 49 (A/41/49).

[k] The Flemming Report, para. 115.

[l] Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 30 (A/37/30), annex I, para. 34.

[m] Staff rule 200.1 (b).

[n] Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 30 (A/37/30), annex I, para. 32.